

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROBERT G. GABALDON,)	
)	
Plaintiff,)	
)	
v.)	CIV No. 14-1030 KBM/KK
)	
JOHN McHUGH,)	
Secretary of the Army,)	
)	
Defendant.)	

ORDER ON JOINT MOTION FOR REMAND

The Parties, by and through the undersigned counsel, have moved this Court to enter an order of voluntary remand of Plaintiff's claims to the Army Board for Correction of Military Records ("ABCMR").

On September 3, 2014, the Secretary of Defense issued a memorandum to the Secretaries of the Military Departments ("Hagel Memorandum") establishing policy guidance for the consideration of discharge upgrade requests submitted by veterans claiming to have Post Traumatic Stress Disorder ("PTSD").

The Hagel Memorandum provides a substantial and legitimate basis for remanding Plaintiff's claims to the ABCMR. The proposed remand would allow the ABCMR to consider the Plaintiff's claim under the new guidance and determine whether his discharge status should be upgraded.

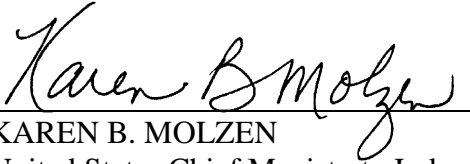
Accordingly, the claims of Plaintiff, Robert G. Gabaldon, are hereby REMANDED to the ABCMR for further administrative proceedings.

On remand, the ABCMR will review these remanded claims in accordance with the principles discussed in the Hagel Memorandum; and the ABCMR will consider the claims based

on the evidence that Plaintiff chooses to submit in support of his application.

Further, the Plaintiff's claims are hereby DISMISSED without prejudice.

DATED AND SIGNED on this 25th day of March, 2015.


KAREN B. MOLZEN
United States Chief Magistrate Judge

SUBMITTED AND APPROVED BY:

Electronically submitted 3/25/15
MICHAEL HOSES
Assistant United States Attorney
Attorney for Defendant

Electronically approved 3/25/15
DAVID STANDRIDGE, JR.
Attorney for Plaintiff